

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIM. NO. 19-20726

Plaintiff,

HON. PAUL D. BORMAN

v.

D-3 GARY JONES,

Defendant.

/

STIPULATION FOR CONTINUANCE OF SENTENCING DATE

The defendant and the undersigned attorneys stipulate to the adjournment of sentencing in this matter to June 8, 2021 at 2:00 p.m. for the following reasons:

- 1) The unprecedeted and exigent circumstances created by COVID-19 and related coronavirus health conditions have created a health emergency throughout the United States that has resulted in widespread societal disruption. Since March 10, 2020, Governor Gretchen Whitmer has declared a state of emergency in Michigan. On March 29, 2020, the Judicial Conference of the United States found that emergency conditions due to the national emergency declared by the President of the United States have materially affected the functioning of the federal courts.
- 2) COVID-19 has infected millions of people across all fifty states, the District of Columbia, and Puerto Rico, resulting in hundreds of thousands of fatalities.

3) In order to slow the spread of the outbreak and lessen the load placed on our healthcare systems, various restrictions have been imposed on access to public facilities and government functions. As part of these efforts, on March 13, 2020, this Court postponed indefinitely most in-court proceedings before district judges and magistrate judges in the Eastern District of Michigan in all criminal and civil cases and matters. See Administrative Order 20-AO-021. This Order further reflected the reality that the court staff, the Court Security Officers, and the Marshals Service could not operate or provide access to in-court proceedings without jeopardizing their health and safety.

4) On April 10, 2020, this Court issued Administrative Order 20-AO-27, which concluded that court proceedings, including felony sentencing, "cannot be conducted in person without seriously jeopardizing public health and safety."

5) Administrative Order 20-AO-27 authorizes the use of video teleconferencing and telephone conference for court hearings including felony sentencing under Rule 32 of the Federal Rules of Criminal Procedure.

6) In order to conduct a felony sentencing via the use of video or audio teleconferencing, Administrative Order 20-AO-27 requires the following conditions to be met: (1) "the defendant . . . after consultation with counsel, consents to the use of video teleconferencing or teleconferencing for the proceeding;" and the (2) "presiding judge finds that the proceeding cannot be

further delayed without serious harm to the interests of justice."

7) The defendant, GARY JONES, has not consented and does not consent to the use of teleconferencing for his sentencing proceedings.

8) GARY JONES' decision to adjourn sentencing and withhold consent is both knowingly and voluntarily made. He has discussed this issue thoroughly with his counsel and no coercion or threats have been made to him to adjourn sentencing.

IT IS SO STIPULATED.

SAIMA S. MOHSIN

Acting United States Attorney

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Dated: March 23, 2021

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EASTERN DISTRICT OF MICHIGAN
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UNITED STATES OF AMERICA,

CRIM. NO. 19-20726

Plaintiff, _____

HON. PAUL D. BORMAN

v.

D-3 GARY JONES,

Defendant. _____ /

ORDER FOR CONTINUANCE OF SENTENCING DATE

Upon this Court's consideration of the parties' March 23, 2021 stipulation, Administrative Order 20-AO-027, and the Court being apprised of the circumstances,

IT IS ORDERED that the sentencing in this matter shall be adjourned to June 8, 2021 at 2:00 p.m.

IT IS SO ORDERED.

s/Paul D. Borman _____
HON. PAUL D. BORMAN
United States District Judge

Entered: March 30, 2021